

July 9, 2009

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of July at 8:00 P.M., and there were

PRESENT: JAMES PERRY, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER
 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: MARK AQUINO, MEMBER
 LAWRENCE PIGNATARO, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 JEFFREY SIMME, BUILDING INSPECTOR
 NICHOLAS LOCICERO, TOWN PROSECUTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF DANIEL & CAROL GLOWICKI

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Daniel and Carol Glowicki, 764 Ransom Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a detached garage on premises owned by the petitioners at 764 Ransom Road, Lancaster, New York; to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9C.(3)(a) and Section 17A.(3) of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Ransom Road with an exterior side yard [considered a front yard equivalent] fronting on Westwood Road. The location of the proposed garage will result in a seventeen (17) foot set back from Westwood Road.

Chapter 50, Zoning, Section 9C.(3)(a) and Section 17A.(3) of the Code of the Town of Lancaster require a sixty (60) foot set back from Westwood Road. The petitioners, therefore, request a forty-three (43) foot set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Daniel Glowicki

Petitioner

IN THE MATTER OF THE PETITION OF DANIEL & CAROL GLOWICKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daniel and Carol Glowicki and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of July 2009, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within an Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning commented that the proposed action is determined to be of local concern.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought; there are a variety of setbacks and accessory structures in the neighborhood.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That this property is extremely well maintained and is considered by this board to be an asset to the neighborhood.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought; based upon the location of the septic system and the mature trees. *Note the directive from the Erie County Department of Health dated June 20, 1979 and the letter from the Code Enforcement Officer dated May 14, 2009 which explain the location of the Septic System, both of which are on file.*

That the requested area variance relief is substantial, however the construction of the premises predates the current Town Code.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	WAS ABSENT
MR. PERRY	VOTED YES
MR. PIGNATARO	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

July 9, 2009

PETITION OF LAWRENCE M. & KAREN A. YETZER

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Lawrence M. and Karen A. Yetzer, 464 Townline Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a 1,200 square foot pole barn on premises owned by the petitioners at 464 Townline Road, Lancaster New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,200 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioners, therefore, request a 450 square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster. The height of the proposed pole barn is sixteen [16] feet, ten [10] inches.

Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioners, therefore, request a ten [10] inch height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying Town of Alden of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Lawrence Yetzer
Karen Yetzer

Petitioner
Petitioner

IN THE MATTER OF THE PETITION OF LAWRENCE M. & KAREN A. YETZER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Lawrence M. and Karen A. Yetzer and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of July 2009, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning commented on the proposed zoning action as follows:

"No recommendation; proposed action has been received and determined to be of local concern."

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought; this neighborhood already has a significant number of accessory structures.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial in relationship to the lot size and the character of the neighborhood.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.
- That the building and roof colors be of earth tones.
- That the building inspector will work with the petitioner to alleviate any drainage issue that could impact the neighbors as a result of the construction of this structure.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	WAS ABSENT
MR. PERRY	VOTED YES
MR. PIGNATARO	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

July 9, 2009

PETITION OF GREG & AUDREY HOERNER:

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Greg and Audrey Hoerner, 465 Westwood Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a 1,360 square foot pole barn on premises owned by the petitioners at 465 Westwood Road, Lancaster New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,360 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioners, therefore, request a 610 square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster. The height of the proposed pole barn is twenty five [25] feet.

Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioners, therefore, request a nine [9] foot height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying the Town of Alden of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Greg Hoerner
Audrey Hoerner

Petitioner
Petitioner

IN THE MATTER OF THE PETITION OF GREG & AUDREY HOERNER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SCHWAN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. LEHRBACH
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Greg and Audrey Hoerner and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of July 2009, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning commented on the proposed zoning action as follows:

"No recommendation; proposed action has been received and determined to be of local concern."

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That by the granting of the area variance for construction of the structure, the value of the property will be increased.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That no commercial enterprise, other than those permitted by Chapter 50 of the Code of the Town of Lancaster, be conducted on the premises.
- That the structure and the roof will be of earth tone colors.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	WAS ABSENT
MR. PERRY	VOTED YES
MR. PIGNATARO	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

July 9, 2009

PETITION OF GARRETT HATT:

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Garrett Hatt, 10 Queen's Way, Lancaster, New York (Depew P.O. 14043) for one [1] variance for the purpose of constructing a storage shed in an exterior side yard on property owned by the petitioner at 10 Queen's Way, Lancaster New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17A.(3) and Section 11C.(4)(a) of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Queen's Way with an exterior side yard [considered a front yard equivalent] fronting on Michael Anthony Lane. The location of the proposed storage shed will result in an eight [8] foot east exterior side yard set back on Michael Anthony Lane.

Chapter 50, Zoning, Section 17A.(3) and Section 11C.(4)(a) of the Code of the Town of Lancaster require a thirty five [35] foot exterior side yard set back on Michael Anthony Lane. The petitioner, therefore, requests a twenty-seven [27] foot east exterior side yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Garrett Hatt

Petitioner

IN THE MATTER OF THE PETITION OF GARRETT HATT

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Garrett Hatt and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of July 2009, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Residential District 2, (R-2) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought; there are numerous sheds in the neighborhood and this is a dead end street.

That no detriment to nearby properties will be created by the granting of the area variance relief sought; and more particularly, the neighbor at 81 Michael's Walk has no objection to this structure's location.

That the requested area variance relief is substantial, however, based upon its location behind the fence the Board feels that the circumstance is mitigated.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	WAS ABSENT
MR. PERRY	VOTED YES
MR. PIGNATARO	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED NO
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**
July 9, 2009

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:15 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
July 9, 2009